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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/621,884	07/17/2003	Michael William Landry	9231	3080
24244	7590	09/15/2006	EXAMINER	
MICHAEL W LANDRY 5098 SEACHASE STREET SAN DIEGO, CA 92130			LEE, MICHAEL	
			ART UNIT	PAPER NUMBER
			2622	

DATE MAILED: 09/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/621,884	Applicant(s) LANDRY ET AL.	
	Examiner M. Lee	Art Unit 2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 July 2006.
 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) ☐ Claim(s) _____ is/are allowed.
 6) ☒ Claim(s) 1-6 is/are rejected.
 7) ☐ Claim(s) _____ is/are objected to.
 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
 * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-4 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hendricks et al. (5,682,195) in view of Margulis (6,263,503).

Regarding claim 1, Hendricks discloses a cable television delivery system showing a remote control interface (col. 11, lines 17-33), at least one tuner (86,94), a digital demodulator (106), a MPEG demultiplexer (88), an MPEG encoder (108), a selector (col. 12, lines 28-31), a modulator (102), a receiving unit (40) which includes a receiver (58) and a MPEG demultiplexer/decoder (inherently includes in receiver set top box 58). Hendricks does not specify that the at least one tuner is for receiving both analog and digital television signal as claimed. Margulis, from the similar field of endeavor, teaches a tuner 626 for receiving both analog and digital television signals. Margulis further shows an ADC 612 for converting the analog television signal into digital signal. The converted signal enables the subsystem processor 518 to process the data in full digital mode. As a result, the end viewer can selectively watch both analog and digital television channels provided by the server. Since the RF signals in Hendricks can be an analog RF signal or a digital RF signal, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to replace the

integrated receiver decoder 86 with the tuner 626 of Margulis and have the analog output of the tuner provided to the analogue video input 96 of Hendricks to perform the well known functions as claimed. It should be noted that the combiner 104 in Hendricks is controllable by the CPU 90 to select either the MPEG encoded analog signal or the demultiplexed digital signal. The CPU 90 is remote controllable by the user.

Regarding claim 2, Hendricks shows an encryption and decryption unit 128. A decryption unit is inherently included at the user end if the data is encrypted.

Regarding claim 3, encryption unit 128 in Hendricks includes a public key.

Regarding claim 4, the set top box in Figure 11 of Hendricks has a conditional access unit (see the OSD message).

Regarding claim 6, Hendricks does not specify the programmable transmit power level circuit as claimed. The examiner takes Official Notice that such circuit is well known in the art because it enables the user to increase the transmitter's transmission power when a weak reception is noticed. Hence, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to include a programmable transmit power level circuit into Hendricks so that the transmitter power could be increased by the user as desired.

Allowable Subject Matter

3. Claim 5 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

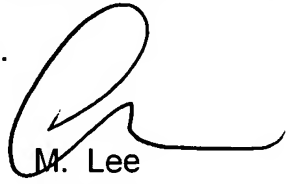
Response to Arguments

4. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to M. Lee whose telephone number 571-272-7349. The examiner can normally be reached on Monday through Thursday from 9 to 6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David L. Ometz, can be reached on 571-272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



M. Lee
Primary Examiner
Art Unit 2622